

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

In re:) Chapter 11
)
EASTERN LIVESTOCK CO., LLC,) Case No. 10-93904-BHL-11
)
Debtor.)

**TRUSTEE'S MOTION FOR SECOND EXTENSION OF TIME TO FILE INITIAL
ESTIMATES PURSUANT TO SECTIONS 6.1 AND 6.3 OF PLAN**

James A. Knauer, in his capacity as chapter 11 trustee ("Trustee") for Eastern Livestock Co., LLC ("Debtor"), respectfully requests that the Court extend the deadline for filing the Initial Estimates pursuant to Sections 6.1(C) and 6.3(A) of the *Trustee's First Amended Chapter 11 Plan of Liquidation* [Dock. No. 1490] (the "Plan")¹. In support of this motion (the "Motion"), the Trustee states:

1. The Court entered an order confirming the Plan on December 17, 2012, and the Plan became effective on December 20, 2012. *See* Dock. No. 1675.

2. Section 6.1(C) of the Plan provides:

Within sixty (60) days after the Effective Date, the Trustee shall file with the Court by "Notice of Submission" a list of all the Class 4 Claims, identifying each Claim as Allowed or Disputed and as Opt In Claims or Opt Out Claims and setting forth the Trustee's Initial Estimates. The Initial Estimates shall be updated from time to time in the Trustee's discretion and such updates will be filed with the Court. The Notice of Submission may be amended from time to time as Disputed Claims become Allowed or Disallowed Claims.

3. Section 6.3(A) of the Plan provides:

Within sixty (60) days of the Effective Date, the Trustee shall file with the Court the Initial Estimates. The Initial Estimates will be revised and adjusted as the amounts of the Allowed Opt In Claims, the Fifth Third Deficiency Claim, the Fifth Third Estate Settlement

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Plan.

Percentage, the Fifth Third Claim Settlement Percentage and the Recovery Expense Pro Rata Application Percentages are refined and ultimately become final.

4. On February 25, 2013, the Court entered an Order [Dock. No. 1777] extending the Trustee's deadline to file the Initial Estimates through and including March 4, 2013. That date has not yet passed.

5. Despite due diligence, the Trustee has not yet finalized the Initial Estimates.

6. The Trustee is finalizing claims objections and litigating adversary proceedings, all of which will affect the Initial Estimates. The Trustee settled several large disputes over the last week that will greatly impact the calculation of potential allowed claims and potential recoveries in this case, the two main components of the Initial Estimates. Accordingly, the Trustee needs additional time to review and finalize both the Class 4 Claims listing and the estimate of recoveries from adversary proceedings.

7. The Trustee intends to file the Initial Estimates as soon as possible, but requests an extension of time through and including March 29, 2013 in order to provide sufficient time to file accurate and complete Initial Estimates.

WHEREFORE, the Trustee respectfully requests that the Court enter an order extending the deadline to file the Initial Estimates through and including March 29, 2013. The Trustee asks for all other just and appropriate relief.

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

By: /s/ Dustin R. DeNeal

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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2013, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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